

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM A. HILL,)
Plaintiff)

vs.)

Civil Action No. 05-445J
Judge Kim R. Gibson/
Magistrate Judge Amy Reynolds Hay

GEORGE PATRICK; ED KECHISEN;)
MARY JO BARBER; JOHN SAWTELLE;)
TOM JANOKA; DR. JEANANN)
McALLISTER; CHRIS GARMAN;)
MR. GERALD N. MASSARO; MR.)
WILSON; KRISTA BROWN; MEMBERS)
OF THE PENNSYLVANIA PROBATION)
AND PAROLE; HENRY TATUM; JOHN)
JOHN THOMAS; RANDELL BRITTON;)
SHIRLEY KNAPP; MS. DORETTA)
CHENCHAERICK; TIM RICE; FRANK)
HARTNETT; CYNTHIA POSGMOGA;)
JOAN BAILEY; and SHARON M. BURKS;))
MR. MICHAEL L. GREEN; JEFFERY R.)
IMBODEN; MATTHEW T. MANGINO;)
BENJAMIN A. MARTINEZ; GERARD N.)
MASSARO; CATHERLINE C. McVEY;)
MICHAEL M. WEBSTER; LLOYD A.)
WHITE; JERRY L. EVERHART,)
Defendants)

ORDER

AND NOW, this 2nd day of March, 2007, after the plaintiff,

William A. Hill, filed an action in the above-captioned case, and Motions to Dismiss the Amended Complaint were filed by Defendants Dr. Jeanann McAllister and Department of Corrections, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is

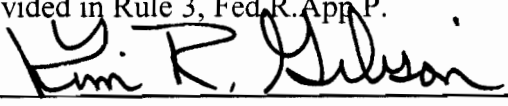
adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Dr. Jeanann McAllister's Motion to Dismiss (Doc. # 58) is granted.

IT IS FURTHER ORDERED that the Department of Corrections ("DOC") Defendants' Motion to Dismiss (Doc. # 61) is granted in part and denied in part. It is granted as to all claims against all DOC Defendants except it is denied as to Plaintiff's First Amendment retaliation claim against Defendants Kechisen, Barber and Sawtelle and it is denied as to Plaintiff's Eighth Amendment claim against Defendants Garman and Rice for their alleged failure to protect.

IT IS FURTHER ORDERED that all of the claims against all of the Parole Defendants are dismissed pursuant to the screening provisions of the Prison Litigation Reform Act ("PLRA").

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.


KIM R. GIBSON
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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